

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

**[PROPOSED] ORDER GRANTING  
DEFENDANTS' MOTION TO  
EXCLUDE PORTIONS OF EXPERT  
REPORT AND TESTIMONY OF  
RANDOLPH BICKLEY WHITENER**

FEDERAL INSURANCE COMPANY, an  
Indiana corporation, and ACE  
AMERICAN INSURANCE COMPANY,  
a Pennsylvania corporation,

Defendants.

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The above-entitled matter came before the Court on Defendants Federal Insurance Company and ACE American Insurance Company's Motion to Exclude Portions of Expert Report and Testimony of Randolph Bickley Whitener. Based on the parties' submissions, the arguments of counsel, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendants' Motion to Exclude Portions of Expert Report and Testimony of Randolph Bickley Whitener is **GRANTED**;
2. Plaintiff may not rely upon opinions of Randolph Bickley Whitener in support of, or in opposition to, any dispositive motions, as they relate to disgorgement of indirect profits; and
3. All opinions of Randolph Bickley Whitener, as they relate to disgorgement of indirect profits, are hereby excluded at trial.

Date:

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The Honorable Wilhelmina M. Wright  
Judge of the U.S. District Court